

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

	)
UNITED STATES OF AMERICA	)
	) Civil No. 04-11731-DPW
v.	)
	) (Crim No. 93-10253-WD)
EMILIO RAMOS,	)
	)
Defendant.	)

GOVERNMENT'S MOTION SEEKING LEAVE UNTIL OCTOBER 22, 2004  
TO FILE ITS OPPOSITION TO RAMOS' §2255 PETITION

Now comes the United States of America, (the "government"), and hereby respectfully moves this Honorable Court to allow the government until October 22, 2004 to complete its opposition to defendant Ramos' §2255 Petition. The government is aware that Wallace file his petition on or about August 4, 2004 and that the government's response was due within two (2) weeks of formal notice from the Court that the petition was on file.

The government has encountered difficulties in August and September 2003 in preparing an appropriate response to Ramos' petition for various reasons, including the undersigned's immersion in the preparation and prosecution in the matter of United States v. Paul Foster, Criminal No. 02-10303-JLT that was completed on September 22, 2004. Since then, counsel has been trying to collect the record of petitioner's previous §2255 petition as well as consult prior trial counsel as to the merits of the current petition; information that has to be reviewed so that an intelligent and helpful response can be furnished to the

Court.

Taking this into account, the government apologizes to the Court for its delay in filing its response, but reports that it has the necessary information in hand such that a proper response can be filed on or before October 22, 2004. As such, the government respectfully requests the requested 10 days extension to draft and file its Opposition to petitioner's §2255 motion.

Respectfully submitted,

**MICHAEL J. SULLIVAN**  
United States Attorney

By: s/Robert L. Peabody  
**ROBERT L. PEABODY**  
Assistant U.S. Attorney  
(617) 748-3240

**Dated: October 13, 2004**

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served upon the person listed below a copy of the foregoing document by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

**EMILIO RAMOS  
No. 35179-054  
U. S. Penitentiary  
P.O. Box 1000  
Lewisburg, PA 17837**

This 13th day of October ,2004

s/Robert L. Peabody  
**ROBERT L. PEABODY**  
ASSISTANT UNITED STATES ATTORNEY